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Report of the Secretary-General on the situation in Abyei

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1990 (2011), in which the Council requested the Secretary-General to keep it regularly informed of progress in the implementation of the Agreement between the Government of the Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, signed on 20 June 2011 in Addis Ababa. The present report outlines the latest developments in Abyei and provides an update on the deployment of the United Nations Interim Security Force for Abyei (UNISFA). It also provides recommendations for a change in the mandate of UNISFA to enable it to support an international border mechanism.

II. Security situation

2. Following the displacement of a large majority of its inhabitants, the security situation in Abyei remained relatively calm during the reporting period. Heavy and sustained rains impaired UNISFA movement by road throughout much of the Area. As of 22 September, the Sudanese Armed Forces (SAF) had not yet removed their elements from the area north of the Kiir/Bahr el-Arab river, including Abyei town, and the Sudan People's Liberation Army (SPLA) had not yet withdrawn from the area south of the river. Movements across the river by the two forces have reportedly also been limited. On 25 July, a UNISFA engineer reconnaissance patrol to the Banton bridge observed some 150 SPLA troops in the vicinity. However, following UNISFA discussions with both the SAF and the SPLA Commanders, the troops withdrew to their previous position south of the river and an escalation of the situation was averted.

3. On 2 August, four Ethiopian soldiers died and seven others were injured when a patrol vehicle was destroyed by a landmine in Mabok, 30 kilometres east of Abyei town. Unfortunately, the evacuation of the casualties by air was significantly hampered by a delay in the issuance of a flight clearance by the Sudanese authorities. As a consequence, the casualties were transported by road to the newly established Ethiopian level II hospital in Abyei town, from where they were airlifted to Kadugli the same evening. Following that incident, and in the light of strong concerns voiced by troop-contributing countries, revised procedures for medical

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evacuations are under discussion between UNISFA and the Governments of the Sudan and South Sudan in the context of the status-of-forces agreement negotiations. In the meantime, a full investigation into the incident is ongoing and a full report will be provided early in October 2011.

4. The incident also highlighted the increased threat posed by landmines. Following the incident, all familiarization patrols by road were immediately suspended and planning was expedited for the establishment of a United Nations Mine Action Service presence in Abyei, including a mine action survey capacity, route verification and clearance teams, a coordination and quality assurance capacity and technical assistance for the coordination of mine risk education. The Mine Action Service expects to deploy into Abyei by the end of October, following the receipt of visas. In the meantime, UNISFA has conducted some limited demining activities within its capacities. The mission also continues to engage with SAF and SPLA in order to identify all mined areas.

5. Having commenced the initial phase of its operations on 8 August, UNISFA started patrols on 23 August, allowing it to establish situational awareness and project a security presence. Regular patrols have been conducted in Abyei town, Diffra, Banton, Noon and Agok. Following the establishment of the Joint Military Observation Committee, joint patrolling commenced in mid-September. The main supply route from Abyei to Diffra to the north of the Kiir/Bahr el-Arab river is at present dominated by UNISFA troops and Military Observers have begun monitoring and verification activities, and area and reconnaissance patrols along the lateral lines of communication leading away from the main supply route.

III. Implementation of the 20 June 2011 Agreement

6. During the reporting period, some progress was made towards the implementation of the 20 June 2011 Agreement between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM), in the context of negotiations on outstanding elements of the Comprehensive Peace Agreement that were facilitated by the African Union High-level Panel led by the President of South Africa, Thabo Mbeki, and attended by my Special Envoy, Haile Menkerios, the Head of Mission, Lieutenant-General Tadesse Werede Tesfay, and international partners. From 6 September, the African Union High-level Panel convened the parties in Addis Ababa and two days later the Panel facilitated the first substantive meeting of the Abyei Joint Oversight Committee, which was attended by my representatives. The parties agreed on the terms of reference for that Committee and on a timeline for the redeployment of SPLA and SAF forces, beginning on 11 September and concluding by 30 September. However, on 14 September the Government of the Sudan stated in the press that it had not agreed to a withdrawal. As of 23 September, UNISFA had not yet witnessed the withdrawal of SAF, SPLA or other armed groups from the Abyei Area.

7. The parties have yet to agree on the chairmanship of the Abyei Area Administration, which is preventing the establishment of that body. As a result, there is no formal civilian authority in the Area to facilitate the return process or to support reconciliation, the rule of law and the provision of basic services in the context of that process.

IV. Humanitarian situation

8. Approximately 110,000 displaced persons remain in Twic County (Warrap State) and in Agok, necessitating humanitarian coordination and response continuing to be supported from South Sudan. The humanitarian community's response was, however, hampered by difficult access conditions due to heavy rainfall. The World Food Programme distributed food to all the displaced population for three months, up to August. Humanitarian organizations have put arrangements in place to ensure that all schoolchildren displaced from Abyei town and its surroundings continue to attend classes and tents were distributed to provide additional classroom space. A total of 140 teachers, who had been based in Abyei town and nearby schools, started teaching in Agok and its surroundings.

9. An inter-agency mission visited parts of Agok and Twic County in Warrap State on 31 August and held discussions on the situation with the displaced population and members of the previous Abyei Area Administration which was unilaterally dissolved by President Bashir following the SAF take-over in late May and subsequently superseded by the provisions of the 20 June Agreement for a new administration. Both groups emphasized that a number of measures were required before the population could return to Abyei, namely, the full deployment of UNISFA, the withdrawal of SAF, the repair of the Banton bridge connecting Abyei town with Agok and the clearance of landmines and other remnants of war. Arrangements are being made for UNISFA to replace the Banton bridge with a bailey bridge once the weather and road conditions improve.

10. In September, flash floods resulting from heavy rains caused additional hardship for both residents and the displaced population in Agok. Because of the flooding, an estimated 5,000 to 10,000 returnees were once again displaced. The area south of the Banton bridge was flooded through to Agok and the Mayen Abun to Agok and Agok to Abyei roads were impassable, restricting humanitarian access to Agok and the ability to assess the full amount of humanitarian assistance needed. The United Nations Mission in the Republic of South Sudan (UNMISS) was requested to conduct an aerial survey during its routine flights in the area and several rapid humanitarian assessments were conducted by UNMISS on 5 and 6 September. On the ground, humanitarian partners have begun registration of the affected population and 600 emergency shelter kits have been distributed. However, access by road from the south has been cut off and flight authorizations and security clearances have only been granted by the Government of the Sudan on a case-by-case basis, hampering a swift response.

11. As of 15 September, there were, for security reasons, no United Nations agencies or non-governmental organizations in Abyei town, except for the United Nations Development Programme and the Resident Coordinator's Support Office. However, humanitarian agencies are making preparations to address the needs of prospective returning displaced persons, particularly in the light of the widespread looting and burning of property that damaged much of Abyei town and its surroundings in May 2011. A draft strategic paper on humanitarian, recovery and stabilization support for Abyei has been prepared and is to be discussed by the Sudan country team. UNISFA held a meeting with the Ngok Dinka leadership in Agok on 15 September to discuss the return process and it was agreed that 15 traditional leaders as well as representatives of civil society will visit Abyei town early in October to assess the town and its surroundings before the return process

starts. UNISFA is also planning to meet the Misseriya leadership as part of the process of engagement with the communities.

V. Protection of civilians

12. In its resolution 1990 (2011), the Security Council authorized UNISFA to protect civilians in the Abyei Area under imminent threat of physical violence. In that regard, the primary concern now is that previously existing significant inter-communal tensions over limited resources may be exacerbated during the migration season. UNISFA will identify protection threats and address protection issues proactively to prevent harm to and deter attacks on civilians, in close consultation with the other actors on the ground.

13. Pursuant to paragraph 10 of resolution 1990 (2011), the Office of the United Nations High Commissioner for Human Rights deployed a mission to the Sudan and South Sudan early in August to assess the possibility of establishing a human rights presence in Abyei to collect information on alleged human rights violations there since the SAF takeover of the Area in May. While the mission was welcomed by the Government of the Sudan and was able to visit Khartoum, it was denied access to Abyei pending clarification as to how the United Nations intends to operationalize the human rights monitoring provided for in paragraph 10 of resolution 1990 (2011). On the other hand, the mission was able to meet with relevant stakeholders in South Sudan, including a large number of displaced Abyei residents now living in camps for the displaced in Warrap and Western Bahr el-Gazal states.

VI. Deployment of the United Nations Interim Security Force for Abyei

14. As of 20 September, 1,798 military personnel have been deployed to UNISFA. The Force is deployed in company strength at the operating bases in Abyei town, Agok and Diffra. The Force headquarters is functional, a small mission support start-up team is in place and planning is under way for the induction of more troops and the occupation of four additional company bases once an agreement on land usage has been secured. UNISFA has also been configured to take over the United Nations logistics base at Kadugli, pending written confirmation from the Government of the Sudan that the base will be made available to UNISFA.

15. The second phase of deployment to Abyei is scheduled to start at the end of September with the arrival of 900 troops. Planning is also under way for the deployment of the 50 international police officers authorized under resolution 1990 (2011), once the Abyei Area Administration and Abyei Police Service are established. Two police advisers are ready to deploy, when they have received visas, to commence planning and interaction with communities in the Area.

VII. Mission support

16. The initial deployment of UNISFA took place despite numerous obstacles, including heavy rains which washed away the land route between Kadugli and Abyei, halting all road movements and severely restricting the induction of UNISFA

personnel. Additional constraints had to be overcome as a result of a lack of clarity on the part of the Government of Sudan concerning the handover of the Kadugli base from the United Nations Mission in the Sudan (UNMIS) to UNISFA, and denials of flight clearances.

17. UNISFA continues to address all the remaining issues with the Governments of the Sudan and South Sudan and is working to address the critical need for a road and air supply link with South Sudan to ensure that the mission and its contractors have adequate avenues for resupply. The civilian support element of UNISFA has been understaffed owing to the time taken for visas to be received. However, 36 of the 41 visa requests submitted on 4 August were granted on 8 September, paving the way for a significant strengthening of the civilian support component of the mission.

18. Discussions are continuing with both Governments on the draft status-of-forces agreement and it is hoped that they will agree to finalize that agreement shortly. To enhance cooperation and address deployment issues, a consultative mechanism for UNISFA, similar to the tripartite mechanism established for the African Union-United Nations Hybrid Operation in Darfur (UNAMID), is being established between the United Nations and the Governments of Ethiopia, the Sudan and South Sudan, the first meeting of the quadripartite consultative mechanism for UNISFA was held on 26 September in New York.

19. While UNISFA has so far been accommodated at the former UNMIS premises, implementation of the next phases of deployment will depend on the securing of land and the construction of additional premises and the necessary infrastructure. On the basis of past experience, such activities normally take several months. Measures are therefore being taken to speed up the process, utilizing elements of the global field support strategy.

VIII. Border monitoring mechanism: change in the mandate of UNISFA

20. The 29 June Agreement on Border Security and the Joint Political and Security Mechanism reaffirmed the commitment of the Government of the Sudan and SPLM to the 7 December 2010 Agreement and the 30 May 2011 Kuriftu Joint Position Paper, and provided for the establishment of a safe demilitarized border zone extending 10 kilometres on each side of the 1-1-56 border line, pending resolution of the status of the disputed areas and the final demarcation of the border. In the Agreement also, UNISFA is requested to provide force protection for the border monitoring mechanism.

21. Further to the 29 June Agreement, another document was signed in Addis Ababa on 30 July 2011 by the Government of the Sudan and the Government of South Sudan. It is the latest in a series of security agreements reached since December 2010 on post-secession border and security arrangements pending a permanent agreement on the border, including demarcation. In the 30 July Agreement, the parties call on the United Nations, and in particular UNISFA, to play a significant role with regard to the functioning of the joint border mechanism. In the absence of permanent border arrangements and prior to demarcation, the 30 July Agreement makes important headway on the creation of a temporary bilateral border mechanism, with international support.

22. In the 30 July Agreement, the parties reiterated the request they made in the 29 June Agreement, that UNISFA undertake a joint assessment mission to establish the location of the mission headquarters, the number and location of sector headquarters, the number and location of teams, and the personnel to be assigned. The parties agreed upon the number of 300 force protection personnel, pending the assessment and recommendations of the Force Commander. The 30 July Agreement calls on the Security Council to endorse the agreement and modify the UNISFA mandate to include the following additional tasks, subject to agreement on the details by the Joint Political and Security Mechanism: (a) to provide force protection; (b) to provide observers; (c) to provide logistical and air support; and (d) to provide accommodation for national observers.

23. From 8 to 12 August, Lieutenant-General Tesfay conducted a reconnaissance mission to the border area with both parties, to define the possible structure and modalities of the border monitoring support mission. The results were discussed during a meeting of the Joint Political and Security Mechanism on 18 September, which was chaired by President Thabo Mbeki and jointly convened by the Minister of Defence of the Sudan, Lieutenant-General Abdulrahim Mohammed Hussein, and the Minister of Defence and Veterans' Affairs of South Sudan, General John Kong Nyuon. The representatives of the two Governments agreed on several technical details. In the formal outcome document of the meeting, they adopted the texts of five previous agreements as reference instruments for the Joint Political and Security Mechanism. The next meeting of the Joint Political and Security Mechanism will be held on 18 October in Juba.

24. The establishment of the border mechanism by the Governments of the Sudan and South Sudan is crucial to the promotion of good-neighbourly relations. Further to the outcome of the meeting of the Joint Political and Security Mechanism and as a means of contributing to peace and stability between the two States, I propose that the mandate of UNISFA be adjusted to incorporate, within the already authorized troop strength of 4,200, under a Chapter VI mandate, the following tasks:

- To assist in ensuring the observance along the border of the security commitments agreed upon by the parties, within the mandated capabilities of UNISFA
- To support the operational activities of the parties along the safe demilitarized border zone in their undertaking of verifications, investigations, monitoring, arbitrations, liaison work, reporting, information exchange and patrols, as appropriate and within mandated capabilities of UNISFA
- To coordinate planning for and the monitoring and verification of the implementation of the Joint Position Paper on Border Security of 30 May 2011
- To maintain necessary chart, geographical and mapping references
- To facilitate liaison between the parties
- To support capacity-building for effective bilateral management mechanisms along the border
- To assist in building mutual trust, confidence and an environment which encourages long-term stability

25. To accomplish those additional tasks, the mission would avail itself of the existing operating bases, assets, infrastructure and supply routes established by UNMISS and UNISFA. Within the existing authorized troop strength, UNISFA would be reconfigured in order to establish a dedicated capacity for the border mechanism, including 297 force protection personnel, 90 Military Observers (subject to a final agreement between the parties on the number of team sites) and 146 enabling elements.

26. Those military personnel would be deployed in four joint border verification and monitoring sectors, each with a sector headquarters supported by up to 10 permanent joint border verification monitoring teams. These sectors and teams are to comprise an equal number of military, police and intelligence officers from the Sudan, from South Sudan and from UNISFA (six each). The sectors and teams will be led by UNISFA staff officers and military observers, respectively.

27. The proposal to provide the aforementioned capability within the existing mandated troop strength of UNISFA is predicated on the cooperation of the Governments of the Sudan and South Sudan in ensuring the mission has sufficient air assets and full and unrestricted freedom of movement by air and land, including cross-border movement. The latter is necessary, given that the area of operations extends for approximately 2,100 kilometres and has extremely limited road infrastructure, which becomes impassable during the rainy season. An additional four utility helicopters and two specialized reconnaissance fixed-wing aircraft (civilian contracted) would be necessary to carry out the aforementioned tasks.

IX. Observations

28. Two months after the authorization by the Security Council of the establishment of UNISFA, I am encouraged to report that almost 1,800 troops are already on the ground in Abyei and have commenced operations. I am committed to supporting the implementation of the 20 June, 29 June and 30 July Agreements and I am optimistic that UNISFA will be capable of fulfilling its mandate to deter conflict and facilitate the parties' joint administration and the security arrangements. However, it is incumbent upon the two parties to expedite the withdrawal of all armed forces to outside of the Abyei Area and to create conditions that would enable UNISFA to fully deploy and succeed in its mission. The stabilization of the security situation will depend on that withdrawal, which is necessary for the return of the displaced population to the Abyei Area. The upcoming southward migration of Misseriya nomads through the Abyei Area, which is expected to commence in late October/early November and was blocked last year owing to the security situation, may further contribute to the existing tensions between the Ngok Dinka and the Misseriya communities following the May hostilities. This migration will become a potential source of serious conflict if the Ngok Dinka displaced population is unable to return before the end of the planting season, which has already begun. The role of UNISFA in helping to mitigate these tensions and maintain a stable security situation will be crucial in this environment.

29. While the primary focus of UNISFA is on the security provisions of the 20 June Agreement, the establishment of governance institutions to implement the rule of law, provide basic services and promote recovery and reconciliation efforts is crucial. This will require a redoubling of efforts by both Governments to determine

the chairmanship of the Abyei Administration and will require the complete dismantling of the administration currently operating in Agok. Once established, it will be imperative that the new Administration take rapid steps to establish the Abyei Police Service and provide in advance for the needs of returning displaced persons. I am also concerned about the human rights situation in the Area and call upon both parties to respect the rights of the population. The United Nations stands ready to support this objective.

30. I would like to reiterate that the United Nations role in Abyei can only be a temporary solution to the situation and that negotiations between the Governments of the Sudan and South Sudan to arrive at a permanent resolution of the Area's status are the key to ensuring long-term stability. I therefore call on the Governments of the Sudan and South Sudan to urgently move forward in their efforts to arrive at a lasting and peaceful resolution of this issue.

31. I am pleased that the parties have agreed on a border monitoring mechanism and I support the request of the Governments of the Sudan and South Sudan for UNISFA to have a role in supporting the border monitoring mechanism. I firmly believe that the mission, as described above, can play a significant role in helping the Governments and people of the Sudan and South Sudan build up trust and confidence, so as to create a foundation for stable bilateral relations while other outstanding issues, such as the actual demarcation of the border, oil, debt and citizenship are still being negotiated. I therefore recommend that the Security Council amend the mandate of UNISFA to include these additional border monitoring tasks, so that the United Nations may provide this important support.

32. In closing, I would like to thank the Prime Minister of Ethiopia, Meles Zenawi, for his ongoing engagement and his Government's commitment to UNISFA. I also commend the African Union High-Level Implementation Panel, led by President Thabo Mbeki, for facilitating the negotiations in Addis Ababa, with support provided by my Special Envoy, Haile Menkerios. In addition, I express my appreciation to the Head of Mission, Lieutenant-General Tadesse Werede Tesfay, and the staff of UNISFA for their proactive efforts to deploy and to start implementing the mandate in very challenging circumstances.